

HCS SB 760 -- OUTDOOR RESOURCES

SPONSOR: Dempsey (Ruzicka)

COMMITTEE ACTION: Voted "do pass" by the Committee on Tourism and Natural Resources by a vote of 15 to 0.

This substitute changes the laws regarding audits of solid waste districts, recycling targets for newspapers, the Land Survey Program, county drinking water supply lake authorities, revocation of hunting privileges, solid waste landfill fees, environmental control rules, transportation of radioactive materials, the collection of hazardous waste fees, temporary boating safety identification cards, infrastructure replacement surcharges, weapons, the use of state park facilities, Safe Drinking Water Act fees, asbestos abatement, and the Clean Water Commission.

AUDITS OF SOLID WASTE DISTRICTS (Section 29.380, RSMo)

The State Auditor is authorized to audit, as he or she deems necessary, solid waste management districts in the same manner as he or she may audit any state agency.

RECYCLING TARGETS FOR NEWSPAPER PUBLISHERS (Sections 34.032 and 260.255)

Currently, newspaper publishers with an average daily distribution of greater than 15,000 copies are required to meet targeted recycled content usage each year and to report to the Department of Natural Resources the total number of tons of newsprint used during the past year and if it met the recycle target or why it failed to do so. The substitute repeals this requirement.

LAND SURVEY PROGRAM (Sections 59.319, 60.510, 60.530, 60.640, 60.560, 60.570, 60.580, 60.590, 60.595, 60.610, and 60.620)

The substitute changes the laws regarding the Land Survey Program within the Department of Natural Resources. The substitute:

- (1) Dissolves the State Land Survey Authority and the Land Survey Advisory Committee and establishes the Land Survey Program and the Land Survey Commission within the Department of Natural Resources;
- (2) Revises the membership, terms, and duties of the commission;
- (3) Creates the Missouri Land Survey Fund for the deposit of \$1 of the \$6 fee collected by every county recorder for recording

any instrument which currently is deposited into the General Revenue Fund for use by the department;

(4) Expands the duties of the department by requiring it to restore, establish, maintain, and preserve Missouri state and county boundary markers and provide the framework for all geodetic positioning activities in the state;

(5) Requires the commission to recommend to the department a person to be selected and appointed State Land Surveyor. The State Land Surveyor will be the chief administrative officer of the program. He or she must be selected under the State Merit System on the basis of professional experience and registration; and

(6) Requires the commission to produce, by December 1, 2013, a report to the department and the General Assembly that recommends the appropriate administrative or overhead cost rate that will be charged to the program and includes all indirect services provided by the department, Division of Geology and Land Survey within the department, and Office of Administration.

COUNTY DRINKING WATER SUPPLY LAKE AUTHORITIES (Section 67.4505)

The substitute creates a county drinking water supply lake authority in Christian County to promote the general welfare and a safe drinking water supply through the construction, operation and maintenance of a drinking water supply lake in the county.

REVOCATION OF HUNTING PRIVILEGES (Section 252.043)

Currently, the Missouri Conservation Commission may suspend, revoke, or deny a hunting permit or privilege for up to five years when, while hunting, a person inflicts injury by a firearm or other weapon to another person who is mistaken for game. The substitute allows the commission to suspend, revoke, or deny a permit or privilege for up to 10 years when a person, while hunting, uses a firearm or other weapon to kill or injure another person and as a result is convicted of first or second degree murder, voluntary or involuntary manslaughter, or first or second degree assault.

SOLID WASTE LANDFILL FEES (Section 260.330)

Currently, the Department of Natural Resources cannot make an annual adjustment to the fees charged to solid waste sanitary landfills or transfer stations from October 1, 2005, to October 1, 2014, except for an adjustment in the amount needed to fund the operating costs of the department. The substitute specifies that no annual adjustment can be made beyond October 1, 2005,

except for an adjustment in the amount needed to fund the operating costs of the department.

ENVIRONMENTAL CONTROL RULES (Section 260.373)

The Hazardous Waste Commission is authorized to establish standards and guidelines through rules and regulations to ensure Missouri is in compliance with the federal Resource Conservation and Recovery Act (RCRA). The guidelines and standards cannot be any stricter than those required under Subtitle C of the RCRA. The commission may develop rules to implement state statutes when they expressly prescribe standards or requirements that are stricter than the federal requirements; implement requirements prior to any federal requirements; or allow the establishment or collection of fees, costs, or taxes. The commission may retain, modify, or repeal any current rules relating to thresholds for determining the class of a hazardous waste generator, descriptions of applicable registration or reporting periods, reporting of hazardous waste activities to the Department of Natural Resources, requirements that generators display hazard labels on containers and tanks during the time the waste is stored onsite, exclusions for hazardous secondary materials used to make zinc fertilizers or that are burned for fuel or recycled.

By July, 31, 2014, the department must identify specified rules in Title 10, Division 25 of the Code of State Regulations that establish standards or guidelines that are inconsistent with those required under Subtitle C of RCRA and file any necessary amendments with the Secretary of State to ensure that the rules are not inconsistent with these provisions. On July 31, 2016, any rule in specified chapters of Title 10, Division 25 that remains inconsistent with the provisions of Subtitle C of the RCRA will be null and void to the extent it is inconsistent. Upon request, the department must modify, as appropriate, any permit containing requirements no longer in effect. The department is prohibited from selectively excluding any or part of a rule of the commission from any authorization application package or program revision submitted to the United States Environmental Protection Agency under 40 CFR 271.1 and 271.5.

TRANSPORTATION OF RADIOACTIVE MATERIALS (Section 260.392)

The substitute exempts a highway route controlled quantity shipment of spent nuclear fuel or low-level radioactive waste from the fee for transporting radioactive waste. Currently, only a highway controlled quantity shipment of 30 miles or less within the state is exempt.

The substitute specifies that all vehicles and carriers transporting highway route controlled quantities of radioactive

material are regulated by the United States Department of Transportation and required to pass the specified federal inspection and if it passed the federal inspection, the shipment cannot be subject to an additional inspection unless the inspection is necessary at the discretion of state safety resources.

If escort services are provided by state resources, the State Highway Patrol must establish procedures and fees to provide reimbursement of the escort services. The fees may include an annual payment of up to \$2,000 and a per trip fee of \$500. The fees must be deposited into the Environmental Radiation Monitoring Fund to be used by the department for purposes related to the shipment of radioactive materials.

COLLECTION OF HAZARDOUS WASTE FEES (Section 292.606)

Currently, the collection of fees for hazardous waste in the workplace, which fund the Missouri Emergency Response Commission, is authorized until August 28, 2012. The substitute extends the authorization until August 28, 2018.

Beginning January 1, 2013, any employer required to report hazardous substances, known as Tier II filers, may request the commission to distribute the report to the local emergency planning committees and fire departments by paying a \$10 fee for each facility listed which cannot be applied to the employer's fee cap. The fee is to be deposited into the Chemical Emergency Preparedness Fund.

TEMPORARY BOATING SAFETY IDENTIFICATION CARDS (Section 306.127)

The substitute repeals the current provisions regarding the issuance of a temporary boater education permit to a nonresident and allows any person or company that rents or sells vessels to issue a temporary boating safety identification card to a nonresident of the state, who meets the minimum age requirements, to operate a rented vessel or a vessel being considered for sale for a period of up to seven days. The substitute specifies that the applicant must provide a valid driver's license establishing that he or she is a nonresident and sign an affidavit stating that he or she has reviewed the Missouri State Highway Patrol Handbook of Missouri Boating Laws and Responsibilities. The patrol must charge a \$9 fee to be deposited into the Water Patrol Division Fund for the identification card and a nonresident is not eligible for more than one card. A person or company issuing a temporary boating safety identification card must be able to transmit the applicant's information and payment to the patrol using an electronic online registration process developed and provided by the patrol. The electronic online registration

process must allow the applicant to pay the fee by credit card or debit card. The highway patrol must develop, by rule, a boating safety checklist for each applicant.

These provisions expire December 31, 2022.

INFRASTRUCTURE REPLACEMENT SURCHARGE (Sections 393.1000 and 393.1003)

The substitute changes the laws regarding the infrastructure replacement surcharge for water corporations. The substitute:

(1) Revises the definition for "eligible infrastructure system replacements" to include energy efficiency projects that are in service, used, and useful; do not increase revenues by connecting the infrastructure replacements to new customers; and were not included in the water corporation's rate base in its most recent rate case and defines "energy efficiency" as measures that reduce the amount of energy required to achieve a given end result;

(2) Adds service lines and meters that have worn out, are in a deteriorated condition, or replaced as part of an order issued by the Missouri Public Service Commission, as well as energy efficiency projects, to the list of projects that are allowable water utility plant projects; and

(3) Allows, beginning August 28, 2012, any water corporation to file a petition and proposed rate schedules with the commission to establish or change its infrastructure system replacement surcharge (ISRS) rate schedules that will allow for the adjustment of the corporation's rates and charges to provide for the recovery of costs for eligible infrastructure system replacements if its ISRS, on an annual basis, produces ISRS revenues of at least \$1 million or \$10,000 for a small water corporation. Currently, only water corporations providing water service in St. Louis County are allowed to file a petition and proposed rate schedules with the commission.

WEAPONS (Sections 571.010, 571.020, 571.030, 571.101, 571.111, and 571.117)

The substitute:

(1) Changes the laws regarding switchblades. Currently, a person commits a class A misdemeanor if he or she knowingly possesses, manufactures, transports, repairs, or sells a switchblade knife. The substitute limits the prohibition to when the activities involving a switchblade knife violate federal law and makes the crime a class C felony;

(2) Reenacts a provision that was repealed by House Bill 294 in 2011 which allows the use of certain otherwise unlawful weapons if the weapon is being dealt with as a curio, ornament, or keepsake;

(3) Specifies that a person commits the crime of unlawful use of weapons if he or she knowingly possesses a firearm while also knowingly in possession of controlled substances that are sufficient for a felony violation under Section 195.202;

(4) Allows a person who is at least 18 years of age to obtain a concealed carry endorsement if he or she is a member of the United States Armed Forces, is a citizen of the United States, and has assumed residency or is stationed in Missouri; and

(5) Allows a person to receive a concealed carry endorsement without meeting the current requirements if he or she submits a copy of a certificate of firearms safety training course completion that was issued on or before August 27, 2011, if it met the requirements that were in effect on the date it was issued.

USE OF STATE PARK FACILITIES (Section 577.073)

The substitute exempts the normal and customary use of state park trails and roads by commercial and noncommercial organizations to transport persons, bicycles, or watercraft from the prohibition on the use of the trails and roads without written permission from the Department of Natural Resources.

SAFE DRINKING WATER ACT FEES (Section 640.100)

The provisions authorizing the Department of Natural Resources to impose fees for the implementation, administration, and enforcement of the federal Safe Drinking Water Act are extended from September 1, 2012, to September 1, 2017.

CLEAN WATER COMMISSION (Section 644.026)

The Clean Water Commission must provide to anyone who provided written comments or oral testimony on a proposed rule an opportunity to respond to the proposed order of rulemaking or the department's response to comments made during the public meeting or during the public notice comment period at any public meeting to vote on an order or rulemaking or other commission policy.

The provisions of the substitute regarding boater safety identification cards and the use of state park facilities contain an emergency clause.

FISCAL NOTE: Estimated Net Effect on General Revenue Fund of a cost of Up to \$19,140 in FY 2013, an income of \$0 in FY 2014, and an income of \$0 in FY 2015. Estimated Net Income on Other State Funds of \$0 to \$3,833,333 in FY 2013, \$0 to \$4,600,000 in FY 2014, and \$0 to \$4,600,000 in FY 2015.

PROPONENTS: Supporters say that the Conservation Commission should have the ability to revoke, suspend, or deny hunting permits and privileges for longer than the current five-year maximum in the event of an accident that kills another person. If a death occurs due to a person not following hunter safety guidelines, the commission should have the authority to extend the suspension.

Testifying for the bill were Senator Dempsey; and Karen Ermeling.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill described the Missouri Conservation Commission's process for determining whether to revoke, suspend, or deny a hunting permit or privilege.

Testifying on the bill was Department of Conservation.